



2653

Practitioner's Docket No. 944-003.021-1

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: J. Vainio et al

Serial No.: 09 / 852,127 Group No.: 2655

Filed: May 9, 2001 Examiner: D. Agebe

For: Audible Error Detector and Controller Utilizing  
Channel Quality Data and Iterative Synthesis

Assistant Commissioner for Patents  
Washington, D.C. 20231

**AMENDMENT TRANSMITTAL**

1. Transmitted herewith is an amendment for this application.

**STATUS**

2. Applicant is
- ☐ a small entity. A statement:
    - ☐ is attached.
    - ☐ was already filed.
  - ☒ other than a small entity.

**CERTIFICATE OF MAILING/TRANSMISSION (37 C.F.R. § 1.8(a))**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING**

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 4/7/05

**FACSIMILE**

☐ transmitted by facsimile to the Patent and Trademark Office.

Signature

Margery B. Hood  
Margery B. Hood  
(type or print name of person certifying)

(Amendment Transmittal [9-19]—page 1 of 4)

### EXTENSION OF TERM

NOTE: "Extension of Time in Patent Cases (Supplement Amendments) — If a timely and complete response has been filed after a Non-Final Office Action, an extension of time is not required to permit filing and/or entry of an additional amendment after expiration of the shortened statutory period.

*If a timely response has been filed after a Final Office Action, an extension of time is required to permit filing and/or entry of a Notice of Appeal or filing and/or entry of an additional amendment after expiration of the shortened statutory period unless the timely-filed response placed the application in condition for allowance. Of course, if a Notice of Appeal has been filed within the shortened statutory period, the period has ceased to run." Notice of December 10, 1985 (1061 O.G. 34-35).*

NOTE: See 37 C.F.R. § 1.645 for extensions of time in interference proceedings, and 37 C.F.R. § 1.550(c) for extensions of time in reexamination proceedings.

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. § 1.136 apply.

(complete (a) or (b), as applicable)

- (a) ☐ Applicant petitions for an extension of time under 37 C.F.R. § 1.136 (fees: 37 C.F.R. § 1.17(a)(1)-(4) for the total number of months checked below:

Extension (months)	Fee for other than small entity	Fee for small entity
<input type="checkbox"/> one month	\$ 110.00	\$ 55.00
<input type="checkbox"/> two months	\$ 400.00	\$ 200.00
<input type="checkbox"/> three months	\$ 950.00	\$ 475.00
<input type="checkbox"/> four months	\$1,510.00	\$ 755.00

Fee \$ \_\_\_\_\_

If an additional extension of time is required, please consider this a petition therefor.

(check and complete the next item, if applicable)

- ☐ An extension for \_\_\_\_\_ months has already been secured. The fee paid therefor of \$\_\_\_\_\_ is deducted from the total fee due for the total months of extension now requested.

Extension fee due with this request \$\_\_\_\_\_

OR

- (b) ☒ Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

## FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. § 1.16(b)-(d)) has been calculated as shown below:

(Col. 1)	(Col. 2)	(Col. 3)	SMALL ENTITY	OTHER THAN A SMALL ENTITY
CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE OR RATE ADDIT. FEE
TOTAL • 28	MINUS • 28	= -	x\$11= \$	x\$18 = \$
INDEP. • 5	MINUS • 4	=	x\$41= \$	x\$200 = \$ 200
<input type="checkbox"/> FIRST PRESENTATION OF MULTIPLE DEP. CLAIM			+ \$135= \$	+ \$270= \$
			TOTAL ADDIT. FEE \$	OR TOTAL ADDIT. FEE \$ 200

- \* If the entry in Col. 1 is less than entry in Col. 2, write "0" in Col. 3.
  - \*\* If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, enter "20".
  - \*\*\* If the "Highest No. Previously Paid For" IN THIS SPACE is less than 3, enter "3".
- The "Highest No. Previously Paid For" (Total or indep.) is the highest number found in the appropriate box in Col. 1 of a prior amendment or the number of claims originally filed.

**WARNING:** "After final rejection or action (§ 1.113) amendments may be made cancelling claims or complying with any requirement of form which has been made." 37 C.F.R. § 1.116(a) (emphasis added).

(complete (c) or (d), as applicable)

(c) ☐ No additional fee for claims is required.

**OR**

(d) ☒ Total additional fee for claims required \$ 200.00

## FEE PAYMENT

5. ☒ Attached is a check in the sum of \$ 200.00
- ☒ Charge Account No. 23-0442 the sum of \$ any deficiency
- A duplicate of this transmittal is attached.

## FEE DEFICIENCY

NOTE: If there is a fee deficiency and there is no authorization to charge an account, additional fees are necessary to cover the additional time consumed in making up the original deficiency. If the maximum, six-month period has expired before the deficiency is noted and corrected, the application is held abandoned. In those instances where authorization to charge is included, processing delays are encountered in returning the papers to the PTO Finance Branch in order to apply these charges prior to action on the cases. Authorization to charge the deposit account for any fee deficiency should be checked. See the Notice of April 7, 1986, (1065 O.G. 31-33).

6. ☒ If any additional extension and/or fee is required, charge Account No. 23-0442

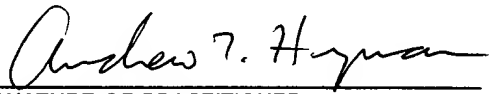
## AND/OR

- ☒ If any additional fee for claims is required, charge Account No. 23-0442

Reg. No.: 45,858

Tel. No.: (203 ) 261-1234

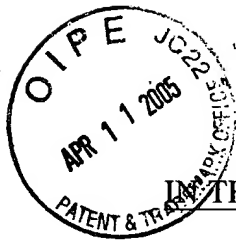
Customer No.: 004955

  
\_\_\_\_\_  
SIGNATURE OF PRACTITIONER

Andrew T. Hyman  
\_\_\_\_\_  
(type or print name of practitioner)

WARE, FRESSOLA, VAN DER SLUYS  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re Application of: Vainio et al.

Examiner: D. Abebe

Serial No. 09/852,127

Art Unit: 2655

Filed: May 9, 2001

Supervisory Examiner: D. To

For: **AUDIBLE ERROR DETECTOR AND CONTROLLER UTILIZING  
CHANNEL QUALITY DATA AND ITERATIVE SYNTHESIS**

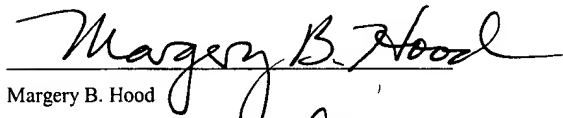
Mail Stop AMENDMENT - NO FEE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313

**RESPONSE TO NON-FINAL OFFICIAL ACTION**

Sir:

This communication is in response to the non-final Official Action of January 10, 2005.  
For the reasons detailed below, we respectfully request reconsideration of rejected claims.  
Please amend the above-captioned application as follows.

I hereby certify that this correspondence is being deposited today with the United States Postal Service with sufficient postage as first-class mail  
in an envelope addressed to: Commissioner for Patents, PO Box 1450, Alexandria VA 22313-1450.

  
Margery B. Hood  
Dated: *April 7, 2005*

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